

CHAPTER Pos 1100 LICENSING OF PRIVATE POSTSECONDARY CAREER SCHOOLS

PART POS 1101 DEFINITIONS

Pos 1101.01 Definitions.

(a) "Ability to benefit" means that, in the absence of a high school diploma or certificate of high school equivalency, the student has the capability to complete, with or without remediation, the program(s) offered at the school based on the results of an ability to benefit test.

(b) "Ability to benefit test" means a standardized test, which meets criteria developed by an accrediting agency recognized by the U.S. Department of Education.

(c) "Accrediting agency" means a nationally recognized accrediting agency by the United States Secretary of Education, in accordance with the provisions of 34 CFR Part 603.

(d) "Administrator" means the person directly responsible for:

- (1) The school program;
- (2) The methods of instruction;
- (3) The employment of teachers;
- (4) The organization of classes;
- (5) The maintenance of proper administrative records; and
- (6) All other procedures related to the administration of the school or class.

(e) "Advertising" means any statement in writing or otherwise through any media, which is intended to induce any persons to seek admission to or otherwise engage in any contract of admission to the school.

(f) "Alternative delivery" means "alternative delivery" as defined in RSA 188-D:19, I(a).

(g) "Applicant" means a person, board, association, partnership, corporation or other entity seeking authorization to operate a school or provide occupational instruction qualifying an individual for employment. In the case of an application by a subsidiary of a corporation the applicant includes the parent corporation.

(h) "Branch" means a separate organizational subdivision of a school located at a different facility and geographical site from the school that offers a full program leading to a diploma or certificate.

(i) "Catalogue or bulletin" means a printed description of the school, which includes but is not limited to, its courses or programs, staffing, instructional calendar, costs and school policies.

(j) "Classroom clock hour" means a period of 60 minutes with a minimum of 50 minutes of classroom instruction.

(kj) "Commission" means the postsecondary education commission.

(l) "Course" means a sequence of units of instruction in a given subject area which is a component of instruction or curriculum.

(m) "Curriculum" means a sequence of courses that together comprise a program of instruction.

(n) "Days" means calendar days except where otherwise expressed.

(o) "Director" means the executive director, or his/her representatives, of the commission charged by the commission with administering the statutory responsibilities contained in RSA 188-D:19-28.

(p) "Entity" means any individual, firm, partnership, association, corporation, organization, trust, or other legal entity, or combination of these entities, as defined in RSA 188-D:19, I(b).

(q) "Extension" means a site at which a school offers courses, but not a full program, leading to a diploma or certificate and is not a separate organizational subdivision of a school.

(r) "Federal program" means any federal or veteran program that dictates a specific refund policy for individuals receiving benefit under specific federal student assistant financial aid programs, to include but not be limited to Title IV and the Montgomery GI Bill.

(s) "Internship" means a structured, learning experience, which takes place outside of the school and involves practical application of competencies acquired during the school-based instruction.

(t) "Laboratory" means a room, or building, or outdoor space equipped to enable the student to engage in a hands-on related learning experience and includes specific equipment related to the field of study.

(u) "Laboratory clock hour" means a period of 120 minutes with a minimum of 100 minutes of laboratory instruction.

(v) "Mitigating circumstances" means circumstances that are beyond the student's control.

(w) "Private postsecondary career school" means any for-profit or nonprofit postsecondary career school, or entities acting as a career school, as defined in RSA 188-D:19, I(d).

(x) "Physical presence" means as defined in RSA 188-D:19, I(c).

(y) "Shop, practicum, externship and internship clock hour" means a period of 180 minutes with a minimum of 150 minutes of practice/instruction.

(z) "Start of each quarter, semester, term, course, or class" means the first day of classes for each quarter, semester, term, course, or class. Orientation periods shall not be considered part of the quarter, semester, term, course, or class.

(aa) "Teachout" means the continuation of instruction to complete the program or course whenever the school's license has been suspended or revoked or a school has advised the director that it intends to discontinue operations.

(ab) "Time period" means the period of time (term, quarter, semester) the student is actively enrolled. The time period *cannot* be the total length of the program if the program is divided into smaller periods of time.

(ac) "Unearned tuition" means the portion of tuition charges billed to a student of a school and which represent future educational services to be rendered to presently enrolled students.

(ad) "Unit" means credits, hours, class days, correspondence lessons, or other approved instructional time periods.

PART Pos 1102 APPLICABILITY AND PRE-APPLICATION REQUIREMENTS

Pos 1102.01 Applicability.

(a) These rules shall apply to all private postsecondary career schools, including entities that act as a school, except for those excluded in RSA 188-D:19 II. All private postsecondary career schools shall make application to the director in accordance with Part 1103.

(b) Individual branches of a school shall have a separate license.

(c) Modeling schools or agencies that provide training to their clients shall meet the requirements of this chapter.

(d) Licenses are not transferable.

(e) A license shall be issued for each location. The licensing approval letter shall specify the courses or programs that the school is authorized to offer, the sites at which these courses or programs may be offered, and the certificates and diploma that the school is authorized to award.

(f) Each school shall prominently display its license and a list of approved programs/courses at its place of business.

(g) No school shall divide or structure a program of instruction or educational service to avoid the application of any provision of these regulations.

Pos 1102.02 Pre-Application Requirements.

(a) Entities maintaining a physical presence in this state, who are not currently licensed by the commission, prior to registering a business or trade name, or soliciting students for enrollment, shall be reviewed by the director to determine if the entity requires a license per RSA 188-D:20.

(b) The entity shall submit a completed form PEC 1100-03 to the director containing the following information:

- (1) Name, phone number, website and e-mail address (if applicable), and address of school;
- (2) Type of business;
- (3) Type of training;
- (4) Type of entities receiving training;

(5) Tuition or fees charged; and

(6) Programs to be offered.

(c) The entity shall submit any supporting or relevant documentation as required by the director.

(d) If it is determined that RSA 188-D:19-28 is applicable, the entity shall proceed to file an application (PEC 1100-01) in accordance with this chapter.

PART Pos 1103 REQUIREMENTS OF LICENSURE

Pos 1103.01 Application Procedure.

(a) Any applicant for an original license to operate a private postsecondary career school or new postsecondary career program in the state of New Hampshire shall file an application (PEC 1100-01) for license with the director, at least 120 days prior to the date upon which the applicant proposes to commence operation. Each applicant shall provide the information specified in this chapter.

(b) A private postsecondary career school desiring exemption from regulation pursuant to the RSA shall complete and submit form PEC 1100-03 with supporting documentation. If the exemption is denied, then the private postsecondary career school shall submit a full application (PEC 1100-01).

(c) Any applicant to offer a previously approved program at a branch or extension at which the program has not been approved shall also provide the information specified in this chapter.

(d) The director shall have the authority to inspect a school or require information to ensure continued operation in compliance with the requirements of this chapter or to verify the exemption provisions.

(e) The applicable fees shall be submitted with the application. Fees shall be paid by check or money order made payable to The Treasurer, State of New Hampshire.

Pos 1103.02 Initial Application Content. The applicant for an initial license shall submit a completed form PEC 1100-01 containing the following information and attachments:

(a) Name, phone number, website, and address of school;

(b) Name, phone number, e-mail address, and address of owner of school;

(c) Business references;

(d) Name, address, phone number, e-mail address, and experience of administrator of school;

(e) Determination of need for school/program;

(f) Projected enrollment of school/program;

(g) Projected operating budget including a detailed budget committed to instruction for the projected fiscal year;

(h) Financial statements detailing the financial condition of the applicant in accordance with Pos 1104.06;

- (i) Enrollment application and student agreement/contract forms;
- (j) Floor plan of facility or facilities;
- (k) Description of equipment for the school or classes;
- (l) Proposed staffing plan;

- (m) List of programs;
- (n) School or program accreditations;
- (o) Identify the type of business: for-profit or nonprofit (include a copy of form designating school as a 501.C(3), if applicable);
- (p) Signature of the applicant; and
- (q) Other documents as specified in Pos 1103.07.

Pos 1103.03 Renewal Application Content. The renewing applicant shall submit a completed form PEC 1100-01 containing the following information and attachments at least ninety days before their current license expires:

- (a) Items (a), (b), (d), (h), (i), (p), and (q) specified in Pos 1103.02;
- (b) The actual enrollment of the past year by program for each location of the school;
- (c) The previous fiscal year's actual and the projected fiscal year's operating budget including a detailed budget committed to instruction;
- (d) Items (j) through (o) specified in Pos 1103.02, if item has changed from the previous submittal;
- (e) Provide a list of students that attended the school the previous year. The student data shall include the student's name, phone number, address, course/program enrolled, and identification of the certificate/diploma awarded, if applicable. The data shall be delivered on a CD-ROM in a format readable by Microsoft Word, Excel, or Access; and
- (f) Provide statistical data relative to program evaluation per Pos 1104.10(b)(2)-(5).

Pos 1103.04 Purpose and Mission. Each application shall include a well-defined statement of the school's general purposes or goals.

Pos 1103.05 Control and Administration.

- (a) Administrative responsibilities and concomitant authority shall be clearly specified, together with organizational charts showing the lines of authority and the relationships among component units and personnel.

(b) One person shall be designated as administrator of the school, branch, or extension.

(c) The administrator shall be of good moral reputation as defined in Pos 1103.05(d) and shall have the administrative and educational competency to operate a school, as determined by the director. The factors considered by the director in evaluating administrative and educational competency shall include, but not be limited to, patterns of violations of the duties and responsibilities of an administrator relating to the administration of a school, as set forth in this chapter. Additionally, the administrator shall have the following qualifications:

(1) Have completed an approved high school program or hold a high school equivalency diploma; and have at least five years of acceptable practical experience in one or more of the courses taught in the school, or five years of acceptable teaching experience in one or more of the courses taught in the school, or five years of acceptable postsecondary school administrative or supervisory experience, or a combination of such acceptable experience amounting to at least five years; or

(2) have received an appropriate baccalaureate or higher degree upon completion of an approved college program; and have at least two years of acceptable practical experience in one or more of the courses taught in the school, or two years of acceptable teaching experience in one or more of the courses taught in the school, or two years of acceptable postsecondary school administrative or supervisory experience, or a combination of such acceptable experience amounting to at least two years.

(d) To be considered of good reputation, an individual must:

(1) Have no felony convictions related to the operation of a school, and the person has been rehabilitated from any other felony convictions;

(2) Have no convictions involving crimes of moral turpitude;

(3) Within the last ten years, have never been successfully sued for fraud or deceptive trade practice;

(4) Not be a plaintiff or defendant in litigation that carries a significant risk to the ability of the school to continue operation;

(5) Not own a school currently violating legal requirements; never owned a school with habitual violations; or never owned a school that closed with violations including, but not limited to, unpaid refunds;

(6) Have not knowingly falsified or withheld information from the director; or

(7) Have not been reprimanded or disciplined in writing by any state licensing board that regulates his/her profession.

(e) A person convicted of a felony which was not related to the operation of a school or college may petition the commission under Pos 200 to demonstrate to the commission that he/she has been rehabilitated and therefore that he/she should be granted a waiver from Pos 1103.05(d)(1).

Pos 1103.06 Surety Bond Form PEC 1100-02.

(a) If applicable, the applicant shall submit a completed form PEC 1100-02 containing the following information:

- (1) Surety bond number;
- (2) Applicable license year;
- (3) Name of school;
- (4) Address of school;
- (5) Name of surety company;
- (6) Address of surety company; and
- (7) Point-of-contact with and telephone number of surety company.

(b) The completed form PEC 1100-02 shall be:

- (1) Signed by a school official;
- (2) Signed by a surety company agent; and
- (3) Dated as to when the form PEC 1100-02 was signed.

Pos 1103.07 Accompanying Documents. In addition to the application, the school shall submit the following:

(a) A copy of the school catalogue or bulletin in published form certified as true and correct in content and policy by an authorized official of the school and which shall include the following:

- (1) An identifying date, such as volume and date of publication;
- (2) Names of the school and its governing body, officials, and full-time faculty;
- (3) The school's mission statement;
- (4) A calendar of the school showing:
 - a. Legal holidays;
 - b. Beginning and ending date of each quarter, term or semester; and
 - c. Other important dates.
- (5) The school's policy and regulations relative to class attendance;
- (6) The school's policy and regulations on enrollment with respect to enrollment dates and

specific entrance requirements for each course;

(7) The school's policy and regulations relative to standards of progress required of the student by the school to include, but not be limited to:

- a. Grading System;
- b. Minimum satisfactory grades;
- c. Reentry procedures/criteria for students dismissed for unsatisfactory progress;
- d. Probationary Period, if any; and
- e. Records maintained by the school and furnished to the student.

(8) The school's policy and regulations relating to student conduct and conditions for dismissal for unsatisfactory conduct;

(9) A detailed schedule for all fees and charges to include, but not be limited to:

- a. Tuition;
- b. Books;
- c. Supplies;
- d. Tools;
- e. Student activities;
- f. Laboratory fees;
- g. Service charges;
- h. Rentals; and
- i. Deposits.

(10) A general description of the available space, facilities, and equipment;

(11) A course description for each course offered;

(12) The policy and regulations of the school relative to granting credit for previous education and training;

(13) The school's refund policy; and

(14) Graduation requirements.

(b) A complete detail of ownership, including the names and addresses of the following individuals:

- (1) Individuals owning the school;
 - (2) Members of a partnership operating the school;
 - (3) Officers of a corporation operating the school;
 - (4) Shareholders holding 25% or more of the shares of a corporation operating the school;
and
 - (5) Members of the board of trustees and board of directors of the school;
- (c) If the proposed school is a subsidiary of an existing school or corporation, an audited certified financial statement of the parent school or corporation;
- (d) Describe job placement for program graduates, which may include:
- (1) A description of the job opportunities available to persons who complete the proposed program; and
 - (2) Evidence of state-specific market demand in the form of either a statistical government job assessment survey or an independent statistical survey, which demonstrates state-specific market demand;
- (e) A detailed description of the facilities and equipment, which shall support each program for which licensure is sought;
- (f) A school floor plan showing:
- (1) Doors;
 - (2) Windows;
 - (3) Hallways;
 - (4) Any fixed seating;
 - (5) Offices;
 - (6) Rest rooms;
 - (7) Exits;
 - (8) Storage space;
 - (9) The size of each room and seating capacity for each classroom.
- (g) Description of lighting, heating, and cooling used for the occupied space.
- (h) Photocopies of inspection reports, which show that the building is safe and sanitary, and meets all local city, county, municipal, state, and federal regulations such as fire codes, building, and sanitation codes. If inspection reports are not available, then the applicant shall submit a signed statement from the appropriate inspection agency in lieu of the report; and

(i) If the building is not owned by the school, a photocopy of the lease held by the school for the space occupied.

(j) A standard written enrollment agreement or contract between the school and each student that shall conform to all requirements of federal and state law. The enrollment agreement shall include, but not be limited to:

(1) Title: identification of the document as a contract or agreement.

(2) School: name and address of the school to be attended.

(3) Course or program: course or program title as identified in the school catalog.

(4) Time required: number of clock hours and number of weeks or months normally required for completion as stated in school catalog. In the case of an alternative delivery program, the number of lessons required for completion as stated in school catalog.

(5) Certificate, diploma: identification of type of document to be received by student upon successful completion of the course or program.

(6) Costs: tuition, books and supplies, and other costs.

(7) Payment: method and terms of payments. Must comply with the Federal Truth In Lending Act and state retail installment requirements (RSAs 358 and 361-B). In the case of an alternative delivery program, must comply, at the minimum, with the Federal Truth In Lending Act requirements where the student is not a resident of the state of New Hampshire.

(8) Starting and ending dates: scheduled class starting and ending dates. In the case of alternative delivery programs, the scheduled class starting and ending dates may be done through an addendum so long as such addendum is incorporated and attached as part of the enrollment agreement.

(9) Class schedule: all day, morning, afternoon, evening or other time of class attendance. In the case of alternative delivery programs, the schedule of when lessons are to be completed and submitted must be stated.

(10) Termination by school: grounds for termination by the school prior to completion (such as insufficient academic progress, nonpayment, failure to comply with published school rules and regulations).

(11) Cancellation or termination by student: how to cancel or voluntarily terminate.

(12) Refund policy: details of how the school's tuition and other fees refunded prior to completion of the program or course are computed.

(13) Employment assistance: employment guarantee disclaimer.

(14) Acknowledgments: acknowledgment that the student has read and received a completed copy of the enrollment agreement and such other documents as appended thereto. In the case of alternative delivery programs, an enrollment agreement shall not be deemed completed until the authorized school official has signed the student submitted enrollment

agreement and has sent to the student a copy of the enrollment agreement duly signed by both the student and the school official.

(15) Notice Required: Per Pos 1105.01, the statement "Any buyer may cancel this transaction any time prior to midnight of the third business day after the date of this transaction" shall be part of the enrollment agreement in accordance with RSA 361-B.

(16) Signatures: date and signature of student and acceptance date and signature of the appropriate school official authorized to sign enrollment agreement. A copy of the school's enrollment agreement shall be filed with the application.

(k) For each individual employed by the school as an instructor, the school shall submit a form PEC 1100-04 providing the following:

- (1) Name, date of birth and place of birth;
- (2) If not a citizen of the United States a photocopy of the Alien Registration Receipt Card (INS form I-151 or I-551) issued by the U.S. Department of Immigration, required for full-time employment in the United States;
- (3) Present mailing address;
- (4) Permanent address;
- (5) Name, dates and location of schools attended;
- (6) Date(s) of graduation;
- (7) Diplomas and degrees earned;
- (8) Teaching and work experience;
- (9) Terms of employment;
- (10) Business and professional references;
- (11) Signature of the administrator; and
- (12) Attached resumes, licenses, certificates, diplomas, and degrees, as appropriate.

PART Pos 1104 OTHER REQUIREMENTS

Pos 1104.01 Admission Requirements.

- (a) The admission requirements shall be published and administered as written.
- (b) The school shall require graduation from high school or a certificate of high school equivalency issued by a state department of education as a prerequisite for enrollment in a diploma or certificate course offered by the school, unless it is not required by the appropriate state agency that

regulates the career field. The school shall maintain records in each student's file to show compliance with admission requirements. The school may substitute an ability to benefit test for the high school graduation or certificate of high school equivalency requirements.

(c) The school may offer special courses to students whom the school deems can profit from the instruction offered as indicated by the results of an ability to benefit test.

(d) A school shall admit only those students whose educational background and abilities qualify them to pursue the particular program or course for which enrollment is sought. In no event shall enrollment be solicited in lieu of compulsory elementary or secondary school attendance.

Pos 1104.02 Enrollment Procedure. Students shall only be enrolled at the beginning of each course, or time period.

Pos 1104.03 Tuition Refund Policy.

Refunds shall be made in accordance with PART Pos 1111.

Pos 1104.04 Tuition Policy.

(a) A school and its approved branch facilities shall charge students enrolled in the same program a uniform rate of tuition and other fees, provided nothing herein shall prevent a school from making a uniform change in tuition or other fees in new enrollment agreements or shall prevent a school from negotiating with businesses, or state or federal governmental agencies for group training contracts with lower rates for tuition or other fees for students participating in such programs under such contracts.

(b) Tuition may be due at the start of the time period (as defined in Pos 1101.01(ac)), but the amount due shall not exceed the tuition cost of that time period.

(c) If a student is enrolled in a program, but is not a full-time student, then the amount of the program's tuition that is due shall be proportionate to the student's status.

(d) The tuition charged per unit (as defined in Pos 1101.01(ae)) shall not be increased for the term of the contract/agreement.

(e) Charges for books, supplies and other fees must be reasonable to cover the school's cost of the materials, plus a reasonable markup to cover overhead and profits. A set, predetermined charge for each term shall be verifiable through the school's financial records of expenses.

Pos 1104.05 Instructor Qualifications.

(a) Instructors shall have, at a minimum, the following qualifications:

(1) Be at least eighteen years of age;

(2) Hold a high school diploma, or other equivalency recognized by the U.S. Department of Education;

(3) Have a minimum of 3 years' experience, within the six years immediately preceding the period of employment by the school, in the field in which he/she is to teach; and

(4) Hold current valid state permits or licenses if such permits or licenses are required to practice their trades, and provide evidence thereof to the school, and shall maintain such license or permit during the period for which such instruction is given.

(b) The following shall disqualify an individual from serving as an instructor at a school:

- (1) Conviction of a felony;
- (2) Conviction of a misdemeanor relating to the operation of a school or college in anyway whatsoever; or
- (3) Having been reprimanded or disciplined in writing by any state licensing board that regulates his/her profession.

Pos 1104.06 Finance.

(a) Financial resources shall be adequate for the effective achievement of the purposes and objectives of the school and for meeting all obligations.

(b) The school shall have a net worth consisting of sufficient liquid assets or other evidence of fiscal soundness sufficient to operate the school during the period of authorization.

(c) Financial records shall be kept by the school in conformity with generally accepted accounting principles.

(d) Annual financial statement, which detail the financial condition of the school, shall be prepared by school management and reviewed or audited by a licensed certified public accountant or licensed public accountant in accordance with standards established by the American Institute of Certified Public Accountants.

(e) A copy of the most recent school's annual financial statements shall be filed each year with the school's application. If the school is not incorporated, then the director shall elect to accept the owner's federal income tax statements with all attachments.

(f) Upon a school's written request, the director may authorize a filing extension for a period not to exceed thirty days for good cause shown.

Pos 1104.07 Financial Statements.

(a) The financial statements shall include, but not be limited to:

- (1) Income statement;
- (2) Balance sheet;
- (3) Statement of change in equity or fund balance;
- (4) Statement of cash flows;

(5) Footnotes or notes to financial statements;

(6) Cover letter prepared by the licensed certified public accountant or licensed public accountant stating the scope of the review or audit, any opinions, and standards and principles followed;

(7) School management statement on fiscal position of the school.

(b) All such records shall be open to inspection and audit by the director during business hours.

Pos 1104.08 Other Fiscal Requirements.

(a) Insurance shall be carried to protect the school's financial interest. The amount of insurance shall be sufficient to maintain the solvency of the school in case of loss by fire or other causes, and to protect it from instances of personal and public liability.

(b) The school shall meet the student tuition protection criteria as specified in RSA 188-D:20.

(c) A budget of estimated income and expenditures for each fiscal year shall be prepared in advance of the beginning of such fiscal year and shall be maintained and, to the extent needed, revised during the course of such fiscal year. Such budget shall be prepared in sufficient detail to promote proper operations, and shall at a minimum include categories for general administration and general expense, instruction, libraries, and operation and maintenance of the physical plant.

(d) If the school has or plans to incur debt, it shall maintain and update as needed a plan, covering the period such debt will be outstanding, that shall show the anticipated interest and principal payments due on such debt during such period and the planned provision for payment of such interest and principal as it shall become due and payable.

(e) The school shall maintain financial resources or a credit rating sufficient to enable it to borrow funds adequate to provide for a teachout of currently enrolled students if the school's license is revoked or suspended or if the school advises the director that it intends to discontinue operations.

Pos 1104.09 Educational Program.

(a) The educational program and curricula shall reflect and support the purpose and mission of the school. Curricular offerings shall be clearly and accurately described in all published materials that refer to such offerings. The curricula shall support and be consistent with the school's mission. The level of instruction offered shall be clearly stated, and such instruction shall reflect the resources, including but not limited to financial, personnel and physical facilities of the school and the level of academic preparation of the students.

(b) Course objectives, requirements, and standards of achievement and evaluation shall be clearly stated and available in writing to students at the start of each term.

(c) The school shall have a written process for the establishment, implementation, and review of educational policy.

(d) The school shall provide for the on-going reassessment, evaluation, and improvement of instruction and of the educational program. The process for such reassessment, evaluation, and improvement shall be documented in writing.

(e) Each curriculum shall provide a sequence of appropriate subjects or courses leading to the

attaining of competence in the respective area or field of study.

(f) The school shall limit its offering to the courses and subjects for which it has been licensed.

(g) Each school shall post at the beginning of each quarter, semester or term the schedules of subjects being offered during the quarter, semester or term. This schedule shall show the time and teacher for each subject and designate the room in which the subject will be taught. Each student shall be given a written schedule of classes at the beginning of each quarter, semester, or term to show the student's individual schedule.

(h) Schools shall not describe in their published catalogues courses for which the school has not been approved under these rules or which are not available during the time period prescribed by the school as the minimum for completing the program.

(i) When a school is licensed to offer a course of study and enrolls students in the course of study, the school shall maintain faculty necessary to teach all subjects required for completing the course during the time stipulated in the school's bulletins as the required time to complete the program.

(j) The school shall schedule classes so the students shall be able to receive instruction in all subjects for the number of instructional hours as advertised in the school's catalogue under which the students enrolled. When a school previously licensed to offer a course of study fails to maintain the qualifications for continuing the course, it shall be removed from the catalogue or stamped "not offered."

(k) The number of curricula offered by a school shall be realistic in relationship to faculty and student enrollment. The number of curricula offered shall not exceed the number of faculty employed on a full-time basis.

(l) The school shall arrange its calendar one calendar year in advance and give:

- (1) Full information to prospective and enrolled students about holidays;
- (2) Beginning and ending dates of each quarter, term, or semester;
- (3) Examination periods; and
- (4) Add or drop, dates if applicable.

(m) Schools shall measure instruction on a clock-hour basis. The school catalogue shall show the number of clock hours for each subject offered and the minimum clock hours a student must carry for full-time enrollment. Clock hours for each course offered shall show the breakout for classroom, laboratory, and internship, as applicable.

(n) Class periods shall be a minimum of 60 minutes per Pos 1101.01(j).

(o) Diplomas and certificates shall not be issued prior to completion of the applicable course of studies.

Pos 1104.10 Program Evaluation.

(a) Each program of instruction shall be evaluated by a comprehensive system for measuring student achievement.

- (b) The system for evaluation pursuant to (a) above may include, but shall not be limited to:
- (1) A system which defines the knowledge and skills taught and how students' acquisition of these competencies are measured;
 - (2) In occupations requiring state licensure, the percentage of graduates who sit for and successfully obtain such state licensure;
 - (3) The percentage of graduates who are placed in jobs related to their training;
 - (4) To the extent possible, the percentage of students who are working in jobs related to their training 12 months after completion of such training; and
 - (5) The percentage of students who graduate from each program.

Pos 1104.11 Records.

- (a) The school shall maintain current, complete, and accurate records to show the following:
- (1) A statement signed by the student at the time of enrollment certifying receipt of a catalog and all other pertinent material;
 - (2) A copy of the student's signed enrollment agreement;
 - (3) Written progress reports that shall include information on the student's progress in areas such as classroom attendance and performance, updated at appropriate intervals;
 - (4) A copy of the results of any enrollment evaluation or examination;
 - (5) Student information that shall include:
 - a. Legal name of the student;
 - b. Address;
 - c. Telephone number;
 - d. Student identification number assigned, if any;
 - e. Social security number (if student signs disclaimer);
 - f. Date of birth;
 - g. Dates of attendance (beginning and ending dates);
 - h. Course or program of instruction; and
 - i. Date of transfer if appropriate.
 - (6) All monies owed and paid by each student; and

(7) The school's participation in awarding student financial aid and scholarships.

(b) A school shall maintain records in a form that permits easy and accurate preparation of transcripts of educational records for purpose of transfer and placement, providing reports to government services or agencies, or for such other purposes as the needs of the student might require. Such transcripts shall be in a form readily understandable by laypersons and educators alike. The grading system on such transcripts shall be fully explained on the transcript form. Subjects appearing on the transcripts shall be numbered or otherwise designated to indicate the exact subject matter covered. Skills and proficiency in subjects shall describe fully the type of test and other conditions of the test by which such skills and proficiencies were scored.

(c) Records of students shall be open for inspection to the director during site visits to the school.

(d) Records shall be maintained in safe and secure condition in a locked fireproof cabinet.

(e) If a school ceases to operate it shall make provisions for transferring the custody of academic records without a break in custody per Pos 1114.01(b)(5).

(f) A school shall permanently maintain student transcripts of academic records.

(g) A school shall maintain complete records of all advertising, sales, and enrollment materials used by or on behalf of the school for a five-year period.

(h) A school shall permanently maintain a master student registration list (MSRL).

(i) A school shall retain financial records in accordance with federal retention requirements.

Pos 1104.12 Facilities.

(a) The physical facilities including laboratories shall be adequate to meet the school's programs and objectives.

(b) The facilities shall comply with all applicable local governmental codes and ordinances of political subdivisions.

(c) If the physical facilities are not owned by the school, evidence through a lease or other arrangements shall be presented to insure that the requirements of Pos 1104.12 (a) are met.

Pos 1104.13 Library.

(a) The school shall have a written strategic plan for the library that:

(1) Is supportive of and in accord with the school's purpose, the nature of the educational program, and the enrollment; and

(2) Meets the requirements of the school's accrediting association, if applicable.

(b) The library shall be of a size and quality to meet the academic needs of the students and the school.

(c) If outside libraries are to provide a major part of the library resources for the educational program, the extent of dependence on other libraries shall be clearly stated and the nature and details of

agreements with other libraries shall be described.

(d) Agreements with other libraries shall specify the following:

- (1) The degree to which the holdings of the other libraries support the school's educational program and enrollment; and
- (2) The degree to which students of the school can use these libraries.

Pos 1104.14 Class Size. Class size shall not exceed the capacity of instructional materials and facilities and standards of safety and supervision in accordance with Pos 1104.12(b). The student-teacher ratio shall at all times be in keeping with requirements of the school's accrediting association for the subject matter.

Pos 1104.15 Equipment.

(a) Equipment and other instructional materials, if potentially hazardous in nature, shall be sufficient in quality and quantity to assure safety and in all cases be of sufficient quality to provide the training specified in a course or meet the requirements of the school's accrediting association, if any.

(b) Evidence shall be provided in the form of applicable certificates or licenses that equipment meets all requirements of statutory provisions and local ordinances pertaining to fire, health, safety, and sanitation.

Pos 1104.16 Publications.

(a) All publications relating to the school shall present the school in a manner that is neither fraudulent nor deceptive.

(b) Printed catalogues, bulletins, or prospectus information shall be specific with respect to:

- (1) The prerequisite training required for admission to the school courses;
- (2) The curricula;
- (3) The contents of courses;
- (4) The graduation requirements;
- (5) The tuition and other fees; and
- (6) Refunds and allowances for withdrawals and unavoidable or extended absences.

(c) In their publications schools shall:

- (1) Not use any name, title, or other designation that is misleading or deceptive as to the nature of the school, or its placement record for students.
- (2) Not use any photograph, engraving, or illustration in such manner as to convey a false impression as to the school's size, facilities, or equipment.
- (3) Not use endorsements, commendations, or recommendations by students in favor of the

school unless it is with the consent of the writer and without any offer of financial compensation. Such consent forms shall be kept on file by the school.

(d) Schools shall publish tuition rates, payment methods, and refund policies in their catalogues or on separate rate sheets and shall not deviate from these rates and policies.

(e) All published materials shall describe the school as it presently exists.

Pos 1104.17 Ethics.

(a) Schools shall not engage in fraudulent or deceitful marketing practices.

(b) Schools shall maintain tuition rates as published.

(c) No officer or representative of a school shall solicit any student to leave another school or class in which he/she is enrolled or in attendance.

(d) A school or its representative shall not make unsubstantiated claims or guarantees regarding employment to prospective students.

(e) A school or its representative shall not advertise in a manner that is misleading to the public or conveys by implication that the instruction or services offered by a similar school are unethical or inferior per Pos 1104.18 and Pos 1104.19.

Pos 1104.18 Advertising

(a) A school shall advertise for prospective students under "instruction," "education," "training," or a similarly titled classification.

(b) A school shall not be advertised under any "help wanted," "employment," or similar classification except for staff.

(c) No school advertisements shall use the word "wanted," "help wanted," or "trainee," either in the headline or the body of the advertisement, nor shall any advertisement indicate, in any manner, that the school has or knows of employment of any nature available to prospective students; only "placement assistance," if offered, shall be advertised.

(d) A school shall not use terms to describe the significance of the approval that specify or imply greater approval. Terms that schools shall not use to connote greater approval by the director include, but are not limited to, "accredited," "supervised," "endorsed," and "recommended". A school shall not use the words "guarantee," "guaranteed," or "free" unless approved in writing by the director.

(e) Any advertisement that includes a reference to awarding of credit hours shall include the statement, "limited transferability." Where a school has an arrangement with a college or university to accept transfer hours, such information may be advertised, but any limitations shall be included in the advertisement.

Pos 1104.19 Advertisement Content

(a) Advertisement content shall include, and clearly indicate, the full and correct name of the school and its address, including city, as they appear on the certificate of approval.

(b) Advertisements shall not include:

(1) Statements that the school or its programs are accredited unless the accreditation is from an agency recognized by the United States Department of Education; or

(2) Statements that the school or its courses of instruction have been approved unless the approval can be substantiated by an appropriate certificate of approval issued by an agency of the state or federal government.

(c) A school holding a franchise to offer specialized programs or subjects, not available to other schools, shall not advertise such programs in such a manner as to diminish the value and scope of programs offered by other schools not holding such a franchise. Advertising of special subjects or programs offered under a franchise shall be limited to the subject or programs offered.

(d) A school shall not use endorsements, commendations, or recommendations by students in favor of a school except with the consent of the student and without any offer of financial or other material compensation. Endorsements shall bear the legal or professional name of the student.

(e) A school shall not use a photograph, cut, engraving, *illustration*, or graphic in advertising in such a manner as to:

(1) Convey a false impression of size, importance, or location of the school, equipment, or facilities associated with the school, or

(2) Circumvent any of the requirements of this chapter regarding written or oral statements.

(f) Every advertisement must clearly indicate that training is being offered, and shall not, either by actual statement, omission, or intimation, imply that prospective employees are being sought.

Readopt with amendment and renumber PART Pos 1103, effective 12-16-1996 (Document #6398), as PART Pos 1105 to read as follows:

PART Pos 1105 REVOCATION OF LICENSE

Pos 1105.01 Revoking a License.

(a) A school shall be notified by registered mail when it is believed to be in violation of RSA 188-D:19-28 or the provisions of Pos 1100 and of the commission's intent to revoke the school's license.

(b) Any school so notified under (a) may request a hearing within 20 days in accordance with Pos 200.

(c) If the school so notified under (a) fails to request a hearing the commission shall revoke its license if it finds that the school is not in compliance with the provisions of Pos 1100 or RSA 188-D:19-28.

(d) The commission shall notify a school of its decision to revoke its license within 10 days of the hearing by registered mail.

(e) If the commission revokes its license the school may appeal the commission's decision to a court of competent jurisdiction.

Pos 1106.01 Notice Required. In accordance with RSA 188-D:23 each contract or agreement for enrollment shall meet the requirements of RSA 361-B. Contracts shall be given to the prospective student at least one week prior to the start of the program.

PART Pos 1107 STUDENT GRIEVANCES

Pos 1107.01 Procedure for Student Grievances.

(a) The school shall develop a statement of student privileges and responsibilities and make this statement available to students through the catalogue, student handbook, or other appropriate publication.

(b) The school shall publish a student grievance procedure in its catalogue, student handbook, or other appropriate publication.

(c) Any person having a complaint or grievance against a school that is licensed by the commission should make a reasonable effort to obtain satisfaction from the school directly through the school's established procedures. In the event that a solution cannot be reached, the person may file a written complaint with the director. The complaint should include any evidence bearing on the issues and documentation that a reasonable effort was made to resolve the complaint directly with the school.

(d) The director shall investigate each written complaint involving potential violations of these rules with both students and officials of the school and shall determine the extent of investigation needed based on:

- (1) The seriousness of the alleged violation;
- (2) The source of the complaint;
- (3) The school's history of compliance and complaints;
- (4) The timeliness of the complaint; and
- (5) Any other reasonable matter deemed appropriate.

(e) The director will review the facts as set forth in the complaint and shall intervene, as appropriate, to bring the matter to a satisfactory conclusion. Such intervention shall be limited to facilitating settlement through negotiation, and shall not include legal action for any party. Notwithstanding the refund policy of the school, if the director determines that the circumstances justify such action, it shall require that the school make a full or partial refund of tuition or other fees as appropriate. If, in the opinion of the director, there is evidence that the school may no longer be maintaining minimum standards, the director may call for an investigation to determine whether the school's license should be revoked.

(f) The director shall report the findings of the investigation to the student and the school's owner or chief operator.

(g) The director may determine that the complaint is valid and of such a serious nature as to warrant a penalty or suspension of a school's license under these rules. The director shall place the facts of the complaint on the agenda of the commission for possible suspension or revocation of the school's license.

PART Pos 1108 ALTERNATIVE DELIVERY MODE OF INSTRUCTION

Pos 1108.01 Approval Required. A school shall not incorporate an alternative delivery mode of instruction, which might be supported by textbooks, study guides, library resources and other study aids and might also involve personal interaction with faculty, tutors or other personnel by telephone, mail, telecommunications or other forms of information technology, or in face-to-face meetings unless such mode has met the requirements of this chapter. In addition, the information provided for licensure shall address the following:

- (a) The reasons for offering instruction through an alternative delivery mode shall be consistent with the school's stated mission and documented by market needs assessment or market experience;
- (b) A school shall ensure the appropriateness of the delivery mode and the technology being used to meet a program's objectives;
- (c) A program shall provide for appropriate real-time or delayed interaction between faculty and students;
- (d) A program of study shall be developed by a team of faculty (in appropriate disciplines), administrators, and technologists;
- (e) Qualified faculty shall provide appropriate oversight of the program offered;
- (f) The faculty and students shall have the background, knowledge, and technical skills needed to undertake or be part of the Program;
- (g) A school shall provide for assessment and documentation of student achievement in each course and at the completion of the program;
- (h) A program shall ensure that appropriate learning resources for instruction delivered by an alternative delivery mode are available to students;
- (i) A school shall provide adequately for the reliability, privacy, safety and security of student information and student financial transactions;
- (j) A school shall demonstrate a commitment to ongoing support, both financial and technical, and to a continuation of the program for a period sufficient to enable students to complete training; and
- (k) A school shall demonstrate the educational effectiveness of distance education including assessment of student learning outcomes, student retention, student and faculty satisfaction, and cost-effectiveness.

PART Pos 1109 BRANCHES

Pos 1109.01 Approval Required. A school shall not operate a branch unless the branch has met the requirements of this chapter.

PART Pos 1110 ADDITIONAL PROGRAMS

Pos 1110.01 Approval Required. Approval is required for additional programs not covered under the current license. Additional programs shall meet the requirements of this chapter.

Pos 1110.02 Program Submittal. The school shall submit form PEC 1100-10 to the director for its review and approval, program information, to include but not be limited to:

- (a) Program description;
- (b) Resources required to implement and maintain the program (personnel, materials, equipment, finances, and facilities);
- (c) Resumes of instructors; and
- (d) Any other information deemed necessary by the director.

PART Pos 1111 REFUND STANDARDS

Pos 1111.01 Philosophy and Principles.

(a) The director shall approve only those *schools that* publish and adhere to refund provisions consistent with the standards below.

(b) The refund standards required by this rule conform to the following:

- (1) Students make numerous "false starts" in their education. It is important to preserve for the student the right to a change of mind (recognition of a false start) without too serious a penalty, since this action itself may be important in the student's growth, maturation, and learning.
- (2) It is the responsibility of the school, through pre-enrollment counseling, to make reasonably certain that the student has the ability to profit from the program under consideration.
- (3) Since it is the responsibility of the school to select its students carefully, charges to the student upon cancellation or withdrawal before the program begins should only cover administrative expenses.

Pos 1111.02 Federal Program Refund.

The refund policy for students receiving benefits from federal programs that require specific refund policies shall be in accordance with the specific federal policies.

Pos 1111.03 Full Refund.

A school's refund policy shall provide for a full refund of all money paid by the student if:

- (a) The applicant or student cancels enrollment within *three* business days under RSA 188-D:23;
- (b) The student did not meet the provisions of Pos 1104.01;
- (c) The school procured the student's enrollment as the result of any false representations in the written materials used by the school or in oral representations made by or on behalf of the school.
- (d) The school's failure to comply with RSA 188-D-23.

Pos 1111.04 Short Program Refunds.

If for any reason a student withdraws or is dismissed by the school from a program which has a fixed class schedule, and is shorter than 6 class days, and is less than \$350 in total cost, and is not one of a sequence of programs, the student is not entitled to any refund, except as noted in Pos 1111.02 and 1111.03.

Pos 1111.05 Partial refunds.

A student who withdraws or is dismissed after the period of time identified under Pos 1111.03(a) has passed, but before completing 60% of the potential units of instruction in the current time period, shall be entitled to a pro rata refund, as calculated below, less any amounts owed by the student for the current time period, less a one-time application fee not exceeding \$500 or twenty percent (20%) of the program tuition, whichever is less.

(a) Pro rata refund shall be the ratio of the number of units remaining after the last unit completed by the student to the total number of units in the time period, rounded downward to the nearest ten percent. Pro rata refund is the *resulting percent* applied to the total tuition and other required costs paid by the student for the current time period.

(b) All efforts shall be made to refund prepaid amounts for books, supplies and other charges unless the student has consumed or used those items and they can no longer be used or sold to new students, or returned by the school to the supplier.

(c) No refund shall be required for any student who withdraws or is dismissed after completing 60% of the potential units of instruction in the current time period unless a student withdraws due to mitigating circumstances, in which case refunds shall be calculated based on the pro rata method described in Pos 1111.05 (a).

(d) The sixty percent completion limitation does not apply in cases where the student cannot complete the program due to action taken by the school. Examples of school's action are school closing or bankruptcy, or cancellation of the program. In these and similar situations, refunds and fees shall be based on the pro rata method described in 1111.05 (a) for up to one hundred percent of the tuition paid.

Pos 1111.06 Timely Refunds Payments.

Refunds shall be paid within 30 days after the effective date of termination.

Pos 1111.07 Good faith effort.

A school shall be considered to have made a good faith refund effort to make a refund, if the student's file contains evidence of the following attempts.

- (a) Certified mail to student's last known address;
- (b) Certified mail to the student's permanent address; and
- (c) Certified mail to the address of the student's parent or listed next of kin, if different from the permanent address.

Pos 1111.08 Notice of withdrawal.

- (a) A school shall require that notice of withdrawal be in writing, but shall not require a specific manner of delivery.
- (b) The school shall honor any valid notice of withdrawal given, reimburse the student any refund amount due, and arrange for a termination of the student's obligation to pay any sum in excess of that permitted under the refund standards.
- (c) All schools shall have a constructive notice of an intention to withdraw policy.
- (d) For students receiving funds under federal programs, schools shall comply with applicable federal guidelines for providing notice of an intention to withdraw.

Pos 1111.09 Refund not conditional on compliance with school regulations.

A school shall not make its refund policy conditional upon compliance with the school's rules of conduct or other regulations.

Pos 1111.10 Distribution of refunds to financial aid sponsors.

All or a portion of any refunds due shall be paid to sponsors furnishing grants, loans, scholarships or other financial aid to students, in conformity with federal and state laws, regulations and rules and requirements of financial aid sponsors. After any disbursements to financial aid sponsors have been made, the student shall receive the balance, if any, of the amount due under the school's refund policy.

PART Pos 1112 TUITION GUARANTY TRUST FUND

Pos 1112.01 Purpose. The tuition guaranty trust fund was created as an alternative to the surety bond requirement (Pos 1103.05). However, there may be a period of overlap for the fund and bond requirements until the fund reaches its operating balance. All schools licensed by the commission must make annual payments to the fund, which shall be used only for the purpose of reimbursing students or their lenders in the event a school closed without completing the students' instructional programs and without adequately reimbursing the affected students.

Pos 1112.02 Fees.

(a) The director shall set the amount of the required fee for participation in the Tuition Guaranty Trust Fund. This fee shall be reviewed and adjusted on an annual basis by the director.

(b) Each school applying or renewing their license shall pay the annual fee required with their application submittal.

(c) A late fee shall be assessed for each 30-day period or portion thereof that payment is late.

(d) An existing license shall be revoked if an application is more than 90 days late.

(e) The annual fee for this fund shall be based on a percentage of gross tuition.

(f) "Gross tuition" is defined as the total amount collected by the school during its most recently completed fiscal year, net of refunds, for tuition, application fees, and registration fees. For schools which are located outside of New Hampshire, and which do not maintain branch campuses or satellite instructional programs in New Hampshire, fees are based on gross tuition for New Hampshire students only. If a school has not operated for a full year, its fee is initially based on estimated gross tuition for the first twelve months of operation. At the conclusion of the first twelve months, the fee is adjusted to reflect actual gross tuition for the twelve-month period. If the adjustment results in a reduction of the fee, the amount to be credited will be applied to the fee for the following year.

Pos 1112.03 Funds Level.

(a) The tuition guaranty trust fund shall maintain an operating level set by the director. Based upon the number of licensed schools, the annual gross tuition, economic conditions, and the history of disbursements, the director may change the operating level of this fund.

(b) When the fund balance meets or exceeds the operating level, the director may temporarily suspend collection of these fees for currently licensed schools that have made their required contributions to the fund; however, the suspension shall not apply to schools applying for their initial license. Once the operating balance drops below the operating level, the director shall reinstitute the collection of these fees.

PART Pos 1113 FEES

Pos 1113.01 Initial/Renewal License Fees.

(a) The director shall develop the required licensing fees. These fees shall be reviewed and adjusted on an annual basis by the director.

(b) Each school applying or renewing their license shall pay the licensing fee required with their application submittal.

(c) The licensing fee shall be based on a percentage of gross tuition.

(d) "Gross tuition" is defined per Pos 1112.02(f).

(e) Initial license fee shall be the fee set by the director, but shall not be less than two hundred dollars. The initial license shall be for a one-year period.

(f) Renewal license fee shall be the fee set by the director, but shall not be less than two hundred dollars for a one-year period, or three hundred dollars for a two-year period. The director shall determine the renewal period, which shall not be greater than two years. Renewal dates shall be based on the anniversary date of the initial license.

(g) License fees are per branch per school per year.

Pos 1113.02 Other Administrative Fees.

(a) The director shall develop a schedule of administrative fees. These fees shall be reviewed and adjusted on an annual basis by the director.

(b) Each school applying or renewing their license shall pay the licensing fee required with their application submittal.

(c) The schedule of fees shall include, but not be limited to, the following:

- (1) Change of school information (e.g. address, instructor, program or school name change);
- (b) Addition of a new school location (e.g. extension);
- (c) Program additions/deletions/revisions;
- (d) Pre-application (PEC 1100-03) fee;
- (e) Transcript copies;
- (f) Complaint Investigation; and
- (g) Reinstatement of suspended licenses;
- (h) Fines for violation of this chapter or RSA 188-D:19 through 188-D:28.

Pos 1113.03 Penalty Fees and Fines.

(a) The director shall develop a schedule of penalty fees and fines. These penalty fees and fines shall be reviewed and adjusted on an annual basis by the director.

(b) Each school applying or renewing their license shall pay the licensing fee required with their application submittal.

(c) The schedule of penalty fees and fines shall include, but not be limited to, the following:

- (1) Late or incomplete application;
- (2) Failure to submit materials in a timely manner;
- (3) Non-criminal violations of the rules and statutes (repeated violations shall be grounds for the suspension of license);
- (4) Criminal violations of the rules and statutes (criminal violations shall be grounds for the suspension of license); and
- (5) Operation of an unlicensed school.

(d) The postal date on the envelope or package shall serve as the date of receipt.

Pos 1113.03 Fee Refundability.

All fees are nonrefundable.

PART Pos 1114 SCHOOL CLOSING RESPONSIBILITIES

Pos 1114.01 School Closure.

(a) In the event a school closes, the school shall file a plan with the director designed to protect the contractual rights of its students and graduates, including the right to complete the course of instruction in which they were enrolled. The school shall return its license to the director immediately by certified mail upon cessation of instruction.

(b) A school that is closing, either voluntarily or involuntarily, shall:

(1) Inform the director of this action by certified mail at least 30 calendar days prior to the anticipated cessation of instruction and other normal school business practices. Such notice shall detail the school's closure plan including:

- a. Teach-out arrangements (if made with another school),
- b. The name, address, e-mail address, and telephone number of the person, who will be responsible for closing arrangements,
- c. The name, address, e-mail address, telephone number, and the name of the course of instruction for every student who will not complete their course of instruction, and
- d. The amount of class time left for each student to complete the course with the amount of refund, if any, for which each student is eligible.

(2) Provide written notice to all registered and enrolled students of the school's closure plan at least 30 calendar days prior to closure;

(3) Furnish the director with copies of the written notice being mailed to all enrolled students explaining the procedures they are to follow to secure refunds or to continue their education;

- (4) File procedures for disbursement of refunds with the director and set a date no later than 30 calendar days from the last day of instruction to issue refund checks in the full amount for which students are entitled; and
- (5) Within four calendar days of its closing transfer permanent student transcripts and roster of all students enrolled at the time of closure to the director or another school that has agreed to in writing to assume the responsibility of these records . All transcripts of students not enrolled at the time of closure are due to the director within 90 calendar days after closure. Transcripts shall be in both hard copy and electronic form.
- (6) If students are receiving instruction prior to the school's closing, the school shall file a plan with the commission for approval to ensure that the school's students will continue to receive training of the same quality and content as that for which they contracted.
- (7) If the director, in any situation in which students are receiving instruction prior to a school's closing, determines that the school has not fulfilled its contractual obligations or that a student has reasonable and justifiable objections to the proposed transfer resulting from the closing, the school shall refund all tuition, fees, and other charges paid.
- (8) If the school to be closed offers a combination of alternative delivery and resident instruction, the school shall refund the entire cost of both the alternative *delivery* and resident portion paid.
- (9) Any school owner, including a corporation and/or any of its officers, involved in the decision to close a school in violation of this section will not be granted a license to operate any other private career school in New Hampshire.
- (10) When a school closes or ceases operation, for any reason, its license is automatically revoked effective the day following the date of closure or cessation of operations.